THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No. 10378 of 2007

Dated: 16-05-2007

Between:

The Divisional Engineer,
Operation Circle, APNPDCL,
Sathupally, Khammam District.

..... PETITIONER

AND

1.The Presiding Officer,
The Industrial Tribunal-cum-
Labour Court, Warangal and another.

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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WRIT PETITION No. 10378 of 2007

O R D E R:

Heard the learned Counsel for the petitioner and the learned Government Pleader for Labour. With their consent, the Writ Petition is being disposed of at the stage of admission.

The present Writ Petition has been directed against an order dated 02-04-2007 passed by the first respondent-Industrial Tribunal-cum-Labour Court at Warangal in I.A.No.2 of 2007 in I.D.No.125 of 2005.

The Industrial Dispute being I.D.No.125 of 2005 has been instituted by the second respondent-workman. For the sheer negligence of the writ petitioner in co-operating with the Tribunal in disposal of the said Industrial Dispute, the writ petitioner was set *ex parte* on 16-06-2006, the evidence of the second respondent was recorded on 24-07-2006 and the award was pronounced on 16-10-2006. At that stage, the impugned application has been filed seeking to set aside the award dated 16-10-2006.

For the sheer negligence on the part of the writ petitioner in co-operating with the Tribunal in diligently prosecuting the matter, the Tribunal is justified in setting him *ex parte,* but however, the writ petitioner being a public institution and the respondent-workman having been proceeded against as a measure of discipline, it is only appropriate that the matter deserves to be decided on merits rather than on technicalities. Therefore, I allow the Writ Petition, set aside the orders dated 16-10-2006 and
02-04-2007 passed by the Tribunal in I.A.No.2 of 2007 in I.D.No.125 of 2005 and restore I.D.No.125 of 2005 to file subject to the following conditions:

1. The writ petitioner shall file counter affidavit before the Tribunal in I.D.No.125 of 2005 on or

before 18-06-2007, and failure to file such a counter-affidavit together with all relevant papers on which he is placing reliance, will work against the writ petitioner and disentitle him from participating in the proceedings any further.

2. The writ petitioner shall pay costs of Rs.500/-.

3. The writ petitioner shall also pay the second respondent-workman directly a sum of Rs.10,000/- (Rupees ten thousand only) through a Demand Draft and file proof of the same along with the counter-affidavit before the Industrial Tribunal cum Labour Court, Warangal.

At this stage, it is represented by the learned Government Pleader for Labour that the Tribunal will take up I.D.No.125 of 2005 on priority basis and decide the same within a maximum period of three months.

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NOOTY RAMAMOHANA RAO, J

Date: 16-05-2007

Note:
Furnish CC in three days.
B/o
KLP/LUR